

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:05-CR-00039-F-1

No. 7:16-CV-00037-F

HECTOR EDGARDO RUIZ-ZUNIGO,)

Petitioner,)

v.)

UNITED STATES OF AMERICA,)

Respondent.)

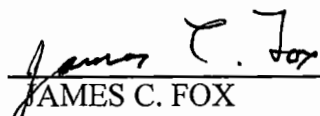
ORDER

Having examined Petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

In his § 2255 motion, Petitioner asserts a challenge based on *Johnson v. United States*, 135 S. Ct. 2551 (2015). Because Petitioner was represented by the Federal Public Defender's Office when his case was previously before this court, pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015), Petitioner is entitled to appointed counsel to determine if he is eligible for relief under *Johnson*.

SO ORDERED.

This 8 day of March, 2016.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE